

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: KERYDIN (TAVABOROLE)
TOPICAL SOLUTION 5% PATENT
LITIGATION

MDL No. 19-2884 (RGA)

ANACOR PHARMACEUTICALS, INC.,

Plaintiff,

v.

LUPIN LIMITED, LUPIN
PHARMACEUTICALS, INC., ENCUBE
ETHICALS PVT. LTD., and FLATWING
PHARMACEUTICALS, LLC,

Defendants.

Civil Action No. 18-1606 (RGA)

ANACOR PHARMACEUTICALS, INC.,

Plaintiff,

v.

ASCENT PHARMACEUTICALS, INC.,
ZYDUS PHARMACEUTICALS (USA) INC.,
CADILA HEALTHCARE LTD., APOTEX
INC., APOTEX CORP., AMNEAL
PHARMACEUTICALS LLC, PERRIGO
PHARMA INTERNATIONAL DAC,
PERRIGO COMPANY PLC, ALEOR
DERMACEUTICALS LIMITED, CIPLA
LIMITED, CIPLA USA, INC., TARO
PHARMACEUTICALS U.S.A., INC., AND
TARO PHARMACEUTICAL INDUSTRIES,
LTD.,

Defendants.

Civil Action No. 18-1673 (RGA)

FINAL JUDGMENT

Plaintiff Anacor Pharmaceuticals, Inc. (“Anacor”) and Defendants Lupin Limited and Lupin Pharmaceuticals, Inc. (collectively, “Lupin”); Encube Ethicals Pvt. Ltd. (“Encube”); FlatWing Pharmaceuticals, LLC (“FlatWing”); Ascent Pharmaceuticals, Inc. (“Ascent”); Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Ltd. (collectively, “Zydus”); Apotex Inc. and Apotex Corp. (collectively, “Apotex”); Amneal Pharmaceuticals LLC (“Amneal”); Perrigo Pharma International DAC and Perrigo Company plc (collectively, “Perrigo”); Aleor Dermaceuticals Limited (“Aleor”); Cipla Limited and Cipla USA, Inc. (collectively, “Cipla”); and Taro Pharmaceuticals U.S.A., Inc. and Taro Pharmaceutical Industries, Ltd. (collectively, “Taro”) (all Defendants, collectively “Defendants”) having consented to entry of this judgment in view of the Court’s stay order (D.I. 66, No. 19-2884-RGA) and the parties’ notice (D.I. 75, No. 19-2884-RGA) regarding the August 27, 2020 decision of the U.S. Court of Appeals for the Federal Circuit in consolidated appeals Nos. 2019-2264, -2265, -2266, and -2267, IT IS HEREBY ORDERED and ADJUDGED that:

1. All claims of U.S. Patent Nos. 9,549,938; 9,566,289; 9,566,290; and 9,572,823 (the “patents-in-suit”) are invalid for the reasons stated in the final written decisions entered by the United States Patent and Trademark Office in IPR2018-00168, -00169, -00170, and -00171, and as affirmed by the U.S. Court of Appeals in consolidated appeals Nos. 2019-2264, -2265, -2266, and -2267;
2. Final judgment is entered in favor of Defendants and against Anacor on Anacor’s claims of infringement, and on Defendants’ counterclaims of invalidity;
3. Defendants’ counterclaims seeking a declaration of non-infringement are dismissed as moot;
4. Any further relief requested by Anacor is denied; and

5. The deadline for any filing for any assessment of costs or motion(s) for attorneys' fees under Fed. R. Civ. P. 54(d) and D. Del. L.R. 54.1-54.3, including any motion that this case is exceptional under 35 U.S.C. § 285, shall be deferred until 14 days after the time for appeal has expired or within 14 days after the issuance of the mandate of the appellate court.

SO ORDERED on this 11 day of Sept, 2020.


UNITED STATES DISTRICT JUDGE